

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ANTHONY MENDES and DORIS MENDES,

Plaintiffs,

V.

CENDANT MORTGAGE,

Defendant.

Civil Action No. 05CV11765DPW

**DEFENDANT’S MOTION IN LIMINE TO STRIKE THE AFFIDAVIT  
OF DORIS MENDES FILED IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

Defendant PHH Mortgage Corporation, f/k/a Cendant Mortgage respectfully requests that this Court strike the Affidavit of Doris Mendes filed in support Plaintiffs' opposition to Defendant's Motion for Summary Judgment. As grounds for this motion, Defendants state that Ms. Mendes' affidavit does not comply with the requirements of Federal Rule of Civil Procedure 56(e). Defendant submits a memorandum of law in support of this motion.

PHH MORTGAGE CORPORATION,  
f/k/a Cendant Mortgage,

By its attorneys,

/s/Andrew Keith Goldstein  
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Dated: December 1, 2006

**CERTIFICATE OF SERVICE**

I, Andrew Keith Goldstein, hereby certify that on December 1, 2006, a true copy of the foregoing document, filed through the ECF system will be sent electronically to Plaintiffs' counsel, Christopher J. Trombetta, Law Office of Christopher J. Trombetta, 310 North Main Street, Mansfield, MA 02048.

/s/ Andrew Keith Goldstein

Andrew Keith Goldstein